

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF NEW YORK

**NOTICE OF RELATED CASES**

**Related cases defined** - A civil case is “related” to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning the cases to the same judge and magistrate judge.

Application is made to the District Court requesting that the case of :

United States of America v. Douglas Waterbury, et al. 5:18-cv-00440 (DNH/TWD)

which was randomly assigned to the Honorable David N. Hurd , be reassigned

to the Honorable Mae A. D'Agostino based on the following reasons. Please

note that General Order 12, Section G(5) discusses related cases and should be referenced prior

to filing this notice.

The instant case is related to the case captioned CNY Fair Housing, Inc., et al. v. Douglas Waterbury, et al., 5:17-cv-868 (MAD/TWD), because (a) the cases arise out of similar facts and involve similar legal issues; and (b) the cases arise, in part, from the same transactions or events. The instant case alleges a pattern or practice of discrimination on the basis of sex by defendants as a result of Douglas Waterbury's sexual harassment of female tenants over the period of time from approximately 1990 to the present. The related case alleges an ongoing practice of discrimination on the basis of sex by as a result of Douglas Waterbury's sexual harassment of female tenants over the period of time from approximately 2012 to the present. The pattern or practice alleged in the instant lawsuit includes the conduct at issue in the related case, and the complaint in each case alleges that Mr. Waterbury's conduct violates the federal fair housing laws. While Carol Waterbury is not a defendant in the related lawsuit and the plaintiffs in the related lawsuit seek damages unique to themselves, both cases seek similar injunctive relief with regard to the defendants' rental housing business. As the matters involve common parties, factual allegations, legal issues and seek similar injunctive relief against substantially the same defendants, a substantial saving of judicial resources is likely to result from assigning the cases to the same Judge and Magistrate Judge.

Pursuant to Section G(5) of General Order 12, I have conferred in good faith with all other parties in an effort to reach an agreement on whether or not the case is related.



All parties are in agreement



Parties do not agree and opposition will be filed. After such application is made, any other party may serve and file within seven (7) calendar days a letter of no more than two pages supporting or opposing the application.

Submitted by: John D. Hoggan, Jr.

Attorney for: United States of America

Date: April 19, 2018